

1
2 *E-FILED: 10/3/2007*
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C04-04086 HRL

Plaintiff,

Consolidated With: C04-04768 HRL
C05-01242 HRL
C05-01833 HRL
C06-04695 HRL

v.

SAN JOSE STATE UNIVERSITY,

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL**

Defendant.

[Docket No. 282]

On September 6, 2007, plaintiff filed a document entitled "Motion to Compel Re: August 31, 2007 Plaintiff's 'Discoveries From Cain-Simon.'" He seeks an order compelling defense counsel, Mary Cain-Simon, to answer various interrogatories. The interrogatories in question appear to seek information about how and when defense counsel learned about plaintiff's health/medical condition. Plaintiff now insists that he has not waived all claims concerning his health. However, at a recent motion hearing, in a successful effort to convince this court that defendant was not entitled to any discovery of his medical records, plaintiff disclaimed any intent to inject issues concerning his health or medical condition in this lawsuit. As such, the instant discovery requests appear to be irrelevant. Plaintiff's motion to compel is denied.

1 IT IS SO ORDERED.
2
3 Dated: October 3, 2007
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 **A copy of this document will be mailed to:**

2 Piotr J. Gardias
72 Floyd Street
3 San Jose, CA 95110

4 Plaintiff (Pro Se)

5
6 **Notice has been electronically mailed to:**

7 Mary Susan Cain-Simon Mary.CainSimon@doj.ca.gov, David.Moss@doj.ca.gov
8 Fiel D. Tigno fiel.tigno@doj.ca.gov